

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sylvia Davidovicz	Team: Squad #12	CCRB Case #: 201905934	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/27/2019 6:00 PM	Location of Incident: 122nd Precinct stationhouse	Precinct: 122	18 Mo. SOL 12/27/2020	EO SOL 8/13/2021	
Date/Time CV Reported Mon, 07/08/2019 1:21 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 07/08/2019 1:21 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS James McGlyn	03942	925713	122 PCT
2. An officer			
3. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Christina Basile	19098	964913	122 PCT
2. SGT Francis Mauro	01396	953071	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS James McGlyn	Discourtesy: Detective James McGlyn spoke discourteously to § 87(2)(b)	§ 87(2)(g)
B. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	§ 87(2)(g)
C. Officers	Abuse: Officers threatened § 87(2)(b) with the use of force.	§ 87(2)(g)

Case Summary

§ 87(2)(b) made this complaint to the CCRB on July 8, 2019 via the call processing system. On June 27, 2019, at approximately 4:00 PM, he went to the 122nd Precinct stationhouse to file a criminal complaint. Detective James McGlyn, assigned to the 122nd Precinct, said, “I can’t believe this fucking guy” in reference to § 87(2)(b) (**Allegation A: Discourtesy**, § 87(2)(g)). § 87(2)(b) left the stationhouse to gather evidence for his criminal complaint and returned at 6:00 PM. When § 87(2)(b) returned to the stationhouse, he attempted to show the evidence to Police Officer Christine Basile. [Please note that the CV left the stationhouse and returned at 6:00 p.m. When he returned, he attempted to provide evidence for the criminal complaint to the officers.] An officer told § 87(2)(b) to “get [his] shit and get the fuck out” (**Allegation B: Discourtesy**, § 87(2)(g)). A group of five to six officers drew their tasers and threatened, both verbally and with gestures, to use their Tasers against § 87(2)(b) (**Allegation C: Force**, § 87(2)(g)).

The assigned investigator obtained stationhouse camera video for the times at which § 87(2)(b) stated he was in the stationhouse, but § 87(2)(b) is not shown in this video (Board Review 05, 06, video summary in 07).

Findings and Recommendations

Allegation A-Discourtesy: Detective James McGlyn spoke discourteously toward § 87(2)(b)

In his CCRB statement, § 87(2)(b) was unable to definitively state at what time he entered the 122nd Precinct stationhouse on June 27, 2019. He stated that he went to the stationhouse early in the evening to make complaints about an ex-girlfriend who was stealing credit cards and a home health aide who he believed was stealing from his mother (Board Review 01). § 87(2)(b) first spoke to PO Basile, assigned to the 122nd Precinct, who was sitting behind a window next to the front desk. While § 87(2)(b) explained his complaint to PO Basile, Det. McGlyn came up to him and made annoyed-seeming faces at him. Det. McGlyn said “I can’t believe this fucking guy” under his breath.

The investigation obtained video footage from the 122nd Precinct stationhouse covering 5:55 PM to 6:55 PM, but the footage does not depict § 87(2)(b) (Board Reviews 05, 06, video summary in 07).

In his CCRB interview, Det. McGlyn stated that § 87(2)(b) entered the stationhouse around 6:00PM while Det. McGlyn was sitting at the telephone switchboard (Board Review 03). Det. McGlyn did not describe what he was doing prior to 6:00 PM and did not recall the exact time of the incident. In his CCRB interview, Det. McGlyn stated that the incident must have occurred “at some point on that date.” Det. McGlyn was the first officer to whom § 87(2)(b) spoke. Det. McGlyn took § 87(2)(b) s pedigree information and listened to a summary of his complaint. No other officers witnessed this interaction. After hearing the complaint, Det. McGlyn referred § 87(2)(b) to PO Basile, who was the telephone switchboard operator, and left the desk area to work in the property room. Det. McGlyn had no further interaction with § 87(2)(b). Det. McGlyn denied saying, “I can’t believe this fucking guy” or using any profanity in reference to § 87(2)(b).

In her CCRB interview, PO Basile stated that § 87(2)(b) entered the stationhouse at approximately 6:00PM (Board Review 02). After giving his complaint to PO Basile, § 87(2)(b) went home to gather the evidence and returned to the stationhouse around 10:00PM or 10:30PM. Det. McGlyn was in the property room while § 87(2)(b) was at the stationhouse and never interacted with § 87(2)(b). § 87(2)(b) said “I can’t believe this fucking guy,” or used any profanity in reference to § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

Allegation B-Discourtesy: An officer spoke discourteously toward § 87(2)(b)
Allegation C-Force: Officers threatened to § 87(2)(b) with the use of force.

§ 87(2)(b) stated that, after he spoke with PO Basile, he left the stationhouse to collect evidence of the crimes he was trying to report. He returned to the stationhouse at 6:00 PM with a shoebox full of papers and spread the papers on a desk to show them to PO Basile. A group of five to six uniformed officers then came down the stairs and approached § 87(2)(b) at the desk. § 87(2)(b) described these officers as all being very muscular and in uniform. All except one were white. § 87(2)(b) believed the non-white officer was Hispanic. The Hispanic officer told § 87(2)(b) to “get [his] shit and get the fuck out.”

§ 87(2)(b) stated that he tried to gather up his papers but there were a lot of them, in addition to his own coffee and some bottles of water he had purchased at the stationhouse. As § 87(2)(b) collected his things, the Hispanic officer and the other five to six white officers drew their tasers and fired them at the floor so that the electrical currents were visible to § 87(2)(b). § 87(2)(b) saw this as the officers threatening to use their Taser against him. The Hispanic officer may also have said something about § 87(2)(b) “getting zapped,” but § 87(2)(b) could not recall the exact words or whether the officer made this statement at all. § 87(2)(b) stated that he was made to leave the stationhouse around 6:00 PM, about 35 to 45 minutes after he had returned with the evidence.

Det. McGlyn did not recall the exact time at which the incident occurred, but stated that after he referred § 87(2)(b)'s complaint, he left the desk to work in the property room, where he remained for 15 to 20 minutes. He then returned to the desk area for a reason he could not recall, it might have been because though he heard a “commotion” coming from the area. Det. McGlyn saw § 87(2)(b) being escorted out of the stationhouse by several officers who were walking behind § 87(2)(b) without touching him. Det. McGlyn believed that Sergeant Francis Maurio, the desk sergeant that day, had asked § 87(2)(b) to leave the stationhouse. Det. McGlyn did not hear an officer say, “get your shit and get the fuck out” to § 87(2)(b). Det. McGlyn did not hear any officer verbally threaten to use their Taser against § 87(2)(b) and did not witness any officers drawing or discharging their Tasers.

§ 87(2)(g)

PO Basile stated that § 87(2)(b) was upset, anxious, and sweating throughout the interaction. He was also stuttering and having trouble speaking to the officers. The desk officer offered to call him an ambulance, but § 87(2)(b) declined. § 87(2)(b) left the stationhouse voluntarily and was not escorted out or forcibly removed. PO Basile denied that any officers told § 87(2)(b) to “get [his] shit and get the fuck out,” drew or discharged their Tasers, or threatened to use their Tasers against § 87(2)(b).

The Command Log does not include notations regarding § 87(2)(b)'s removal from the stationhouse. All of the arrests listed in the command log have been redacted, so it is unknown which officers were in the stationhouse and to which command they were assigned (Board Review 10). There is also no mention of § 87(2)(b)'s removal in Det. McGlyn and PO Basile's memo books.

§ 87(2)(g) [Redacted text block]

Civilian and Officer CCRB Histories

- Detective James McGlyn has been a member of service for 19 years and has been the subject of one previous CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [Redacted]
- § 87(2)(b) [Redacted]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) [Redacted]
- As of October 28, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 09).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date